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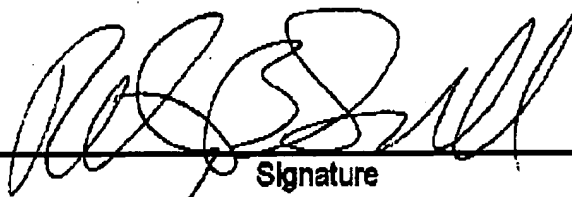
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Peter B. Scull

720-377-0773

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In re U.S. Patent Application serial No. 10/562,392

Title: Anesthetic composition for topical administration comprising lidocaine, prilocaine and tetracaine

Filing Date : December 19, 2005

Attorney Docket No. 284-011-USP

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PTO Fax Number: 571-273-8300

From: Peter B. Scull, Reg. No. 37,932

Transmitted herewith are:

this Certificate of Transmission (1 page); and,  
Petition for Republication (2 pages) with two pages of exhibits.

Transmission Date : August 25, 2006

Total Pages in Transmission: 6 pages

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Applicant	: Fernando Bouffard Fita	Confirmation No:	8090
Appin. No.	: 10/562,392	Group Art Unit:	not yet assigned
Filed	: December 19, 2005	Examiner:	not yet assigned
Title	: ANESTHETIC COMPOSITION FOR TOPICAL ADMINISTRATION COMPRISING LIDOCAINE, PRILOCAINE AND TETRACAINE		

**PETITION FOR REPUBLICATION OF CORRECTED PATENT APPLICATION****PURSUANT TO 37 C.F.R. § 1.221(b)****MAIL STOP PGPUB**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-referenced patent application was published on June 29, 2006 and contains a material mistake made by the U.S. Patent and Trademark Office, which is apparent from the Office records. The application contains a material mistake in the international filing date (or "PCT Filed" date) on the front page of the application. The correct international filing date (or "PCT Filed" date) is "June 1, 2004," not "July 1, 2004," as mistakenly shown on the front page of the application.

The materiality of this mistake lies in the relation of the international filing date (or "PCT Filed" date) to the priority date, whereby the errantly-published PCT Filed date of July 1, 2004, suggests that the PCT application was filed later than necessary to obtain priority, and thus presents the appearance that the PCT application did not appropriately claim priority from the earlier filing in June of 2003. This is indeed not the case because the PCT application was timely filed on June 1, 2004, and correctly claimed priority to the earlier case. Applicant also submits herewith supporting documents showing: 1) the relevant page of the original filing documents clearly showing the correct

Attorney Docket No: 264-011-USP

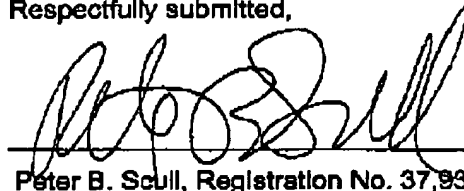
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international PCT filing date (i.e. June 1, 2004); and II) the front page of the published application showing the incorrect international filing date (i.e. July 1, 2004).

Applicant is submitting this petition within the required two months of publication of the above-referenced application and respectfully requests republication of the above-referenced application to correct the material mistake pursuant to 37 CFR § 1.221(b). Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

August 25, 2006

Respectfully submitted,



Peter B. Scull, Registration No. 37,932  
Attorney for Applicant  
HENSLEY KIM & EDGINGTON, LLC  
USPTO Customer No. 45346  
Tel: 720-377-0773  
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Attorney Docket No: 264-011-USP



US 20060140986A1

(19) **United States**(12) **Patent Application Publication**(10) **Pub. No.: US 2006/0140986 A1****Fita**(43) **Pub. Date: Jun. 29, 2006**(54) **ANESTHETIC COMPOSITION FOR  
TOPICAL ADMINISTRATION****Publication Classification**(76) **Inventor: Fernando Bouffard Fita, Barcelona  
(ES)**(51) **Int. Cl.****A61K 9/00 (2006.01)****A61K 31/24 (2006.01)**(52) **U.S. Cl. 424/400; 514/537****Correspondence Address:****HENSLEY KIM & EDGINGTON, LLC  
1660 LINCOLN STREET, SUITE 3050  
DENVER, CO 80264 (US)**

(57)

**ABSTRACT**(21) **Appl. No.: 10/562,392**(22) **PCT Filed: June  
-Jul 1, 2004**(86) **PCT No.: PCT/EP04/50967**(30) **Foreign Application Priority Data****Jun. 19, 2003 (ES) P200301548**

It comprises a mixture of lidocaine, prilocaine and tetracaine, or their pharmaceutically acceptable salts. The preferred composition comprises the following components in the indicated approximate w/w percentages: 1.5% of lidocaine base; 1.5% of prilocaine base; 4% of tetracaine base; 10% of methylpynolidone; 2% of dimethyl sulfoxide; 0.08% of topical hyaluronidase; 1.5% of guar gum; 1% of Tween-20; 0.5% of Tween-80, and the necessary amount of water to 100%. It exhibits a high concentration on skin, a deep anesthetic effect and a significantly more rapid onset of the anesthetic effect than comparable transdermal anesthetics.

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 264-011-USP
<b>INTERNATIONAL APPLICATION NO.</b> PCT/EP2004/050867		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b>
<b>INTERNATIONAL FILING DATE</b> 1 June 2004		<b>PRIORITY DATE CLAIMED</b> 19 June 2003
<b>TITLE OF INVENTION</b> Anesthetic Composition for Topical Administration Comprising Lidocaine, Prilocaine and Tetracaine		
<b>APPLICANT(S) FOR DO/EO/US</b> Fernando Bouffard Fita		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (8) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. (courtesy copy)</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.78.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. (as part of Declaration)</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

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